

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

Site Update Solutions LLC,  
Plaintiff

v.

Accor North America, Inc., et al.,  
Defendants

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Case No.2:10-cv-151

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ANSWER TO DEFENDANT RED HAT INC.'S COUNTERCLAIMS**

Plaintiff, Site Update Solutions LLC ("Site Update Solutions" or "Plaintiff"), files this Answer to Red Hat, Inc. ("Red Hat") Counterclaim and responds as follows:

1. Plaintiff admits the allegations contained in paragraph 94 of Red Hat's Counterclaims.
2. Plaintiff admits the allegations contained in paragraph 95 of Red Hat's Counterclaims.
3. Plaintiff admits the allegations contained in paragraph 96 of Red Hat's Counterclaims.
4. Plaintiff admits the allegations contained in paragraph 97 of Red Hat's Counterclaims.
5. Plaintiff admits the allegations contained in paragraph 98 of Red Hat's Counterclaims.
6. Plaintiff admits that paragraph 99 of Red Hat's Counterclaims purports to incorporate by reference each and every allegation contained in paragraphs 1-98, but denies the allegations contained in those paragraphs unless specifically admitted herein. Plaintiff specifically denies paragraphs 84-93 below.
7. Plaintiff denies each and every allegation of paragraph 84 of the Defenses.
8. Plaintiff denies each and every allegation of paragraph 85 of the Defenses.
9. Plaintiff denies each and every allegation of paragraph 86 of the Defenses.
10. Plaintiff denies each and every allegation of paragraph 87 of the Defenses.

11. Plaintiff denies each and every allegation of paragraph 88 of the Defenses.
12. Plaintiff denies each and every allegation of paragraph 89 of the Defenses.
13. Plaintiff denies each and every allegation of paragraph 90 of the Defenses.
14. Plaintiff denies each and every allegation of paragraph 91 of the Defenses.
15. Plaintiff denies each and every allegation of paragraph 92 of the Defenses.
16. Plaintiff denies each and every allegation of paragraph 93 of the Defenses.
17. Plaintiff admits in paragraph 100 that Red Hat counterclaims against Plaintiff, but denies any allegation, express or implied, that Red Hat does not infringe the U.S. Patent No. RE40,683 (“the ‘683 patent”), or that the ‘683 patent is invalid or unenforceable.
18. Plaintiff admits the allegations contained in paragraph 101 of Red Hat’s Counterclaims.
19. Plaintiff admits the allegation in paragraph 102 of Red Hat’s Counterclaims that an actual controversy exists, but denies any allegation, express or implied, that Red Hat does not infringe the ‘683 patent, or that the ‘683 patent is invalid or unenforceable.
20. Plaintiff denies each and every allegation of paragraph 103 of Red Hat’s Counterclaims.
21. Plaintiff denies each and every allegation of paragraph 104 of Red Hat’s Counterclaims.
22. Plaintiff admits that Red Hat demands a trial by jury.
23. Plaintiff denies that Red Hat is entitled to any of the relief sought and alleged in its “Prayer for Relief.”

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment as set forth and requested in the Third Amended Complaint; and in addition as follow:

- A. that judgment be rendered herein against Red Hat;

- B. that Red Hat be denied any such other and future relief as requested;
- C. that Site Update Solutions be granted its attorneys' fees in this action;
- D. that costs be awarded to Site Update Solutions; and
- E. that Site Update Solutions be granted such other and further relief as the Court may deem just and proper under the current circumstances.

*DATED:* October 28, 2010

Respectfully submitted,

/s/ Edward W. Goldstein  
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 28, 2010. Any other counsel of record will be served by first class U.S. mail.

/s/ Edward W. Goldstein  
Edward W. Goldstein